

City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages
City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling
City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

NOVEMBER 9, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m.

8:30 A.M. ROLL CALL

Invocation (District 4)

Pledge of Allegiance to the Flag

Ceremonial Presentations:

SPCA Pet of the Month – Acting President Perea

Proclamation of "JAMES BRATTON DAY" – Councilmember Boyajian

Presentation of Fresno Area Express Driver Appreciation Awards

Presentation by the City Manager

Presentation of Orchid Award to Ann Lee – Councilmember Calhoun

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of October 26, 2004

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.)

- A. **RESOLUTION** - Authorizing application to the California Integrated Waste Management Board for a Local Government Public Education and Amnesty Day Grant and authorizing the Director of the Planning and Development Dept. to sign on behalf of the City – Planning and Development Dept.

Action Taken:

1. * **RESOLUTION** – 38th amendment to AAR No. 2004-209 appropriating \$20,000 in grant funds from the State of California Integrated Waste Management Bureau to conduct public education and amnesty day events ***(Requires 5 affirmative votes)*** – Planning and Development Dept.

Action Taken:

- B. **RESOLUTION** - Approving the summary vacation of portions of the relinquishment of access rights along the west side of Milburn Avenue north of Herndon Avenue – Public Works Dept.

Action Taken:

- C. **RESOLUTION** - Dedicating certain City-owned property for public street purposes, property located at the Convention Center parking lot at the westerly corner of Ventura Street and “O” Street – Public Works Dept.

Action Taken:

- D. * Approve acquisition of easement from St. Rest Missionary Baptist Church on Florence Avenue between Elm and Ivy – Public Works Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- E. Adopt a Resolution of Intention to vacate a portion of N. Marks Avenue south of Freeway 99 and setting the public hearing for December 7, 2004 at 10:15 a.m. (R.I. No. 1038-D) – Public Works Dept.
Action Taken:
- F. * **RESOLUTION** – 6th amendment to Salary Resolution No. 2004-213 rescinding the third amendment to Resolution No. 2004-213 entitled “A Resolution of the Council of the City of Fresno establishing rules for the application of City employee compensation rates and schedules and related requirements and establishing compensation rates and schedules for FY 05” – Personnel Dept.
Action Taken:
- G. * Award a contract to T-3 Engineering of Visalia, CA for installation of an 8 inch sewer main in Cortland, Gentry and Dayton Avenues – General Services Dept./Public Works Dept.
Action Taken:
- H. * **RESOLUTION** – 37th amendment to AAR No. 2004-209 appropriating \$58,200 for the Fresno Police Department’s Homeland Security Grant Program **(Requires 5 affirmative 5 votes)** – Police Dept.
Action Taken:
- I. **RESOLUTION** – Authorizing acceptance of the California Multi-Jurisdictional Methamphetamine Enforcement Teams (CAL-MMET) 2004-2005 grant pass through award and execution of program documents – Police Dept.
Action Taken:
- J. Approve the 8th amendment to agreement with Camp Dresser & McKee for environmental engineering services relating to groundwater remediation activities at the Fresno Sanitary Landfill (FSL) Superfund - Public Works Dept.
Action Taken:
- K. **RESOLUTION** - Of Intention to annex Final Tract No. 5237 to the City of Fresno Community Facilities District No. 2, Annexation No. 83 and setting the hearing for November 30, 2004 at 10:10 a.m. – Public Works Dept.
Action Taken:
- L. **RESOLUTION** - Of Intention to annex Final Tract No. 5258 to the City of Fresno Community Facilities District No. 2, Annexation No. 81 and setting the hearing for November 30, 2004 at 10:00 a.m. - Public Works Dept.
Action Taken:
- M. **RESOLUTION** - Of Intention to annex Final Tract No. 5295 to the City of Fresno Community Facilities District No. 2, Annexation No. 82 and setting the hearing for November 30, 2004 at 10:05 a.m. – Public Works Dept.
Action Taken:
- N. Approve substitution of subcontractor for construction of Lift Station No. 6 improvements at Champlain Drive east of Perrin Avenue – Public Works Dept.
Action Taken:
- O. **RESOLUTION** – Authorizing the application for and acceptance of grant funds of \$400,000 from the Department of Homeland Security/Federal Emergency Management Agency and authorizing execution of related documents – Fire Dept.
Action Taken:
1. * **RESOLUTION** - 39th amendment to the AAR, No. 2004-209, appropriating \$400,000 in Metropolitan medical Response System MMRS grant funds from the Department of Homeland Security (DHS) **(Requires 5 affirmative votes)**
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- P. Approve the preparation and submittal of a second time extension, as provided for under Senate Bill 1066, requesting the California Integrated Waste Management Board to allow the City of Fresno the remaining eighteen months to achieve the required 50% solid waste diversion requirement of the California Integrated Waste Management Act – Dept. of Public Utilities
Action Taken:
- Q. **RESOLUTION** – Approving the Final Map of Tract No. 5136 and accepting dedicated public uses therein; authorize the Public Works and Planning and Development Directors to execute the necessary documents – Planning and Development Dept.
Action Taken:
- R. Approve transfer of the Fresno Yosemite International Airport operator lease of Central California from Jeanette Nishimori to Burgundy Partners, LLC, with a 12-year, 8-month extension to give Burgundy Partners a lease term of 25-years – Airports Dept.
Action Taken:
- S. Approve amendment to Section 3-1 (Compensation) of existing agreement between the City of Fresno and Renee V. Mayne, a sole proprietorship for labor negotiation services – Personnel Dept.
Action Taken:
- T. Enterprise Zone Program:
1. **RESOLUTION** - Authorizing modification of the Enterprise Zone Program to allow establishment, charging and collection of State and City fees to recover costs of providing vouchersing services – Economic Development Dept.
Action Taken:
 2. * **RESOLUTION** – 422nd amendment to MFS Resolution No. 80-420 to allow charging and collection of State and City fees to reimburse costs of program administration
Action Taken:
 3. * **RESOLUTION** – 36th amendment to AAR No. 2004-209 appropriating \$47,200 to Economic Development Dept. to recover costs associated with collecting the State of California's new fee for, and providing vouchersing services to businesses in the Enterprise Zone (***Requires 5 affirmative votes***)
Action Taken:
- U. * **BILL NO. B-118 – (Intro. 10/26/2004) (*For adoption*)** - Amending Chapter 6, Article 12 of the Fresno Municipal Code regarding regulation of private patrol operators – Police Dept.
Action Taken:
- V. * **BILL NO. B-117 – (Intro. 10/26/2004) (*For adoption*)** – Amending the Text Amendment Application No. TA-04-02 of the Zoning Ordinance of the Fresno Municipal Code and Environmental Findings relating to the temporary waiver of a UGM Fire Service Development Restriction – Planning and Development Dept.
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. Approve a HOME Investment Partnerships (HOME) Program Agreement between the City of Fresno and Sierra Gateway Senior Residence in the amount of \$750,000 for the construction of affordable rental housing – Planning and Development Dept.
Action Taken:
- B. * **RESOLUTION** – 41st amendment to AAR No. 2004-209 appropriating \$150,000 and recommend approval of the City purchase of 10.5 acres of real property from the Fresno Irrigation District for the development of affordable single family homes for a total project cost not to exceed \$450,000 (***Requires 5 affirmative votes***) – Planning and Development Dept.
Action Taken:

2. **GENERAL ADMINISTRATION CONTINUED**

- C. Authorization to proceed with establishing a Neighborhood Electric Vehicle Pilot Program and/or other low speed vehicles, and the development of new legislation – Fresno Area Express
Action Taken:

3. **CITY COUNCIL**

- A. Request on the status of the former Hilton/Howard Johnson Hotel – Councilmember Calhoun
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:15 A.M.

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda.
Presentation limited to three (3) minutes:

A. ***SCHEDULED PUBLIC COMMENT*** –

- B. ***UNSCHEDULED COMMUNICATION*** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

10:00 A.M.

Presentation of Employee Service Awards (***Reception immediately following – 2nd floor foyer***)
Action Taken:

10:35 A.M.

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Garfield Park Highlands, et al., L.P.
 2. **Case Name:** A.H.D.C. v. City of Fresno, et al.
 3. **Case Name:** Friends of Dickey Playground, Dallas D. Debatin v. City of Fresno, Fresno City Planning Commission (Chicano Youth Center, Real Party in Interest)
Action Taken:
- B. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6,
City Negotiator(s): Jon Ruiz, Adela Gonzalez, Kathy Eckerson, and Bob LaSala
Employee Organization(s):
1. International Brotherhood of Electrical Workers (IBEW)
Action Taken:

2:00 P.M.#1

CLOSED SESSION ANNOUNCEMENTS (IF ANY)

2:00 P.M. #2

CONTESTED CONSENT CALENDAR

COUNCIL HEARINGS AND MATTERS CONTINUED

2:45 P.M. #1 HEARING to consider Rezone Application No. R-04-38 and environmental findings, filed by George A. Burman on behalf of the Unitarian Universalist Church, for 5.1 acres of property located on the north side of E. Alluvial Avenue between N. Chestnut and N. Willow Avenues (**Property located in District 6**) – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-38/C-04-105, finding of Conformity to the 2024 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

- b. **BILL** - Amending the official Zone Map to rezone the subject property from the RR (Rural Residential – County) zone district to the R-1-A/UGM (Single Family Residential/Urban Management) zone district

Action Taken:

2:45 P.M. #2 JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of October 19 and 26, 2004

Action Taken:

- A. Recommend approval of the Mid State Bowl Redevelopment Project:
 - 1. **RESOLUTION** - Consider approval of the Disposition and Development Agreement between the RDA and "master developer" Noyan/Frazier Properties LLC. , and sale of the Mid State Bowl property at the southwest corner of Clinton and Weber Avenues (**Council and Agency action**)
Action Taken:

- B. Consider matters relating to Chinatown Expanded Redevelopment Project Area and the South Van Ness Industrial Redevelopment Project Area, and agreement between the Redevelopment Agency of the City of Fresno and Fresno Historic Chinatown LLC

- 1. Consider approving an exclusive negotiation agreement between the Redevelopment Agency of the City of Fresno and Fresno Historic Chinatown LLC concerning a proposed mixed-use redevelopment project on property within the Chinatown Expanded Redevelopment Project Area and the South Van Ness Industrial Redevelopment Project Area (**Agency action**)

Action Taken:

- 2. **RESOLUTION** - Authorizing the initiation of plan amendment procedures for amendments to the Chinatown Expanded Redevelopment Plan (**Council action**)

Action Taken:

- 3. Direct staff to initiate CEQA review and begin procedures regarding forming a Project Area Committee in connection with the proposed plan amendment for Chinatown Expanded Redevelopment Project Area, and prepare any other documents and take other steps to carry out the Agency's obligations under the Exclusive Negotiating Agreement (**Agency action**)

Action Taken:

ADJOURN AGENCY

2:50 P.M. HEARING to consider Rezone Application No. R-04-40 and environmental findings, filed by Dirk Poeschel, for 1.96 acres of property located on the south side of the San Joaquin River Bluff edge between N. Marks Avenue and N. Van Ness Boulevard (Property located in District 2) – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-40, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130)

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the RR (Rural Residential – County) zone district to the R-1-A/UGM (Single Family Residential/Urban Growth Management) zone district

Action Taken:

HEARINGS AND MATTERS CONTINUED

- 3:00 p.m.** Report and recommendations on traffic signal impact fee increase Implementation:
- a. * **RESOLUTION** – 424th amendment to MFS Resolution No. 80-420 decreasing the traffic signal impact fee (Fresno Municipal Code 11-226) in the UGM area and to decrease the traffic signal fee in the non-UGM areas approved by Council on August 17, 2004 (Public Works Dept recommendation; alternative recommendation Councilmember Duncan)
Action Taken:
 - b. **BILL - (For introduction)** – Amending Subsection 11-226 (d) and Subsection 11-226 (f) (9) of the Fresno Municipal Code relating to charges and reimbursements related to traffic signal UGM fees
Action Taken:
 - c. Direction to staff on methods to mitigate fee increases for targeted areas (Public Works recommendation; alternative recommendation Councilmember Duncan)
Action Taken:
- 3:30 P.M.** Continued consideration of Planning Commission decision regarding Plan Amendment Application No. A-03-17 and related Environmental finding ***(Continue to November 30, 2004 at 3:00 p.m.)***
Action Taken:
- 3:45 P.M.** **CONTINUED HEARING** to consider Rezone Application No. R-04-20, Conditional Use Permit Application No. C-03-89, and environmental findings, filed by Logan and Associates on behalf of Spalding Wathen, pertaining to a 28.01-acre parcel of land located generally on the southwest corner of W. Ashlan Avenue and Parkway Drive ***(Property located in District 1)*** - Planning and Development Dept.
Action Taken:
- a. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment No. R-04-20/C-03-89
Action Taken:
 - b. **RESOLUTION** – Approving Conditional Use Permit Application No. C-03-89
Action Taken:
 - c. **BILL** - Amending the Official Zone Map to rezone the subject property **from** the R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) **and** R-3/UGM/cz (*Medium Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) zone districts **to** the R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/ conditions of zoning*) **and** R-3/UGM/cz (*Medium Density Multiple Family Residential/ Urban Growth Management/conditions of zoning*) zone districts
Action Taken:
- 4:00 P.M.** **HEARING** – To consider Rezone Application No. R-04-52 and environmental findings, filed by Highland Partners, Inc., for the development of 9.71 acres of property located on the northeast corner of N. Polk Avenue and the W. Indianapolis Avenue alignment ***(Property located in District 2)*** – Planning and Development Dept.
Action Taken:
- 1. Consider and adopt Environmental Assessment No. R-04-52/T-5368, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
 - 2. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:

HEARINGS AND MATTERS CONTINUED

4:05 P.M. HEARING – To consider Rezone Application No. R-04-53 and environmental findings, filed by Harold Manselian, for 0.39 acres of property located on the south side of W. Clinton Avenue between N. Channing Way and N. West Avenue **(Property located in District 1)**

Action Taken:

1. Consider and adopt Environmental Assessment No. R-04-53/TPM-2004-17, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

2. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-P (Residential and Professional Office) zone district to the R-1 (Single Family Residential) zone district

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

Nov.	16 -	NO MEETING – VETERAN'S DAY
Nov.	23 -	NO MEETING – THANKSGIVING WEEK
Nov.	30 -	10:00 A.M. HEARING re: Community Facilities District No. 2, Annexation No. 81, Final Tract Map No. 5258
Nov.	30 -	10:05 A.M. HEARING re: Community Facilities District No. 2, Annexation No. 82, Final Tract Map No. 5295
Nov.	30 -	10:10 A.M. HEARING re: Community Facilities District No. 2, Annexation No. 83, Final Tract Map No. 5237
Nov.	30 -	10:15 A.M. CONTINUED HEARING Regarding City of Fresno Community Facilities District No. 2, Annexation No. 77, Final Tract Map No. 5370
Nov.	30 -	2:45 P.M. CONTINUED JOINT HEARING with RDA re: Old Armenian Town
Nov.	30 -	3:00 P.M. CONTINUED CONSIDERATION of Fresno City Planning Commission decision regarding Plan Amendment Application No. A-03-17 (Roosevelt Community Plan amendment relating to 5 percent open space)
Dec.	7 -	10:00 A.M. HEARING re: Text Amendment No. TA-03-02, second dwelling in single family zone districts
Dec.	7 -	10:15 A.M. HEARING re: vacation of a portion of Marks Avenue south of Freeway 99
Dec.	14 -	10:00 A.M. HEARING re: Community Facilities District No. 2, Annexation No. 84, Final Tract Map No. 5247
Dec.	14 -	10:05 A.M. HEARING re: Community Facilities District No. 2, Annexation No. 85, Parcel Map No. 03-24
Dec.	14 -	10:10 A.M. HEARING re: Community Facilities District No. 2, Annexation No. 86, Final Tract Map No. 5265
Dec.	14 -	4:30 P.M. CONTINUE HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises
Dec.	21 -	NO MEETING – CHRISTMAS WEEK
Dec.	28 -	NO MEETING – NEW YEAR'S WEEK

(Future workshops – dates to be determined)

WORKSHOP and direction regarding Cal Trans/City partnership – Public Works Dept. and Planning and Development Dept.

WORKSHOP re: SEMS